



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**July 26, 2006**

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**SUBJECT:**           **2006-0641 - Michael Nehez** [Applicant] **Marlene & Michael Nehez** [Owner]: Application on a 3.3 acre site located at **625 East Taylor Avenue** (near North Fair Oaks Avenue) in an M-S/ITR/R-3 (Industrial & Service/Industrial to Residential/ Medium Density Residential) Zoning District.

Motion               Special Development Permit to allow a resident caretaker's unit on an industrial property.

**REPORT IN BRIEF**

**Existing Site Conditions**           Two Industrial/Office Buildings and Carport Structure

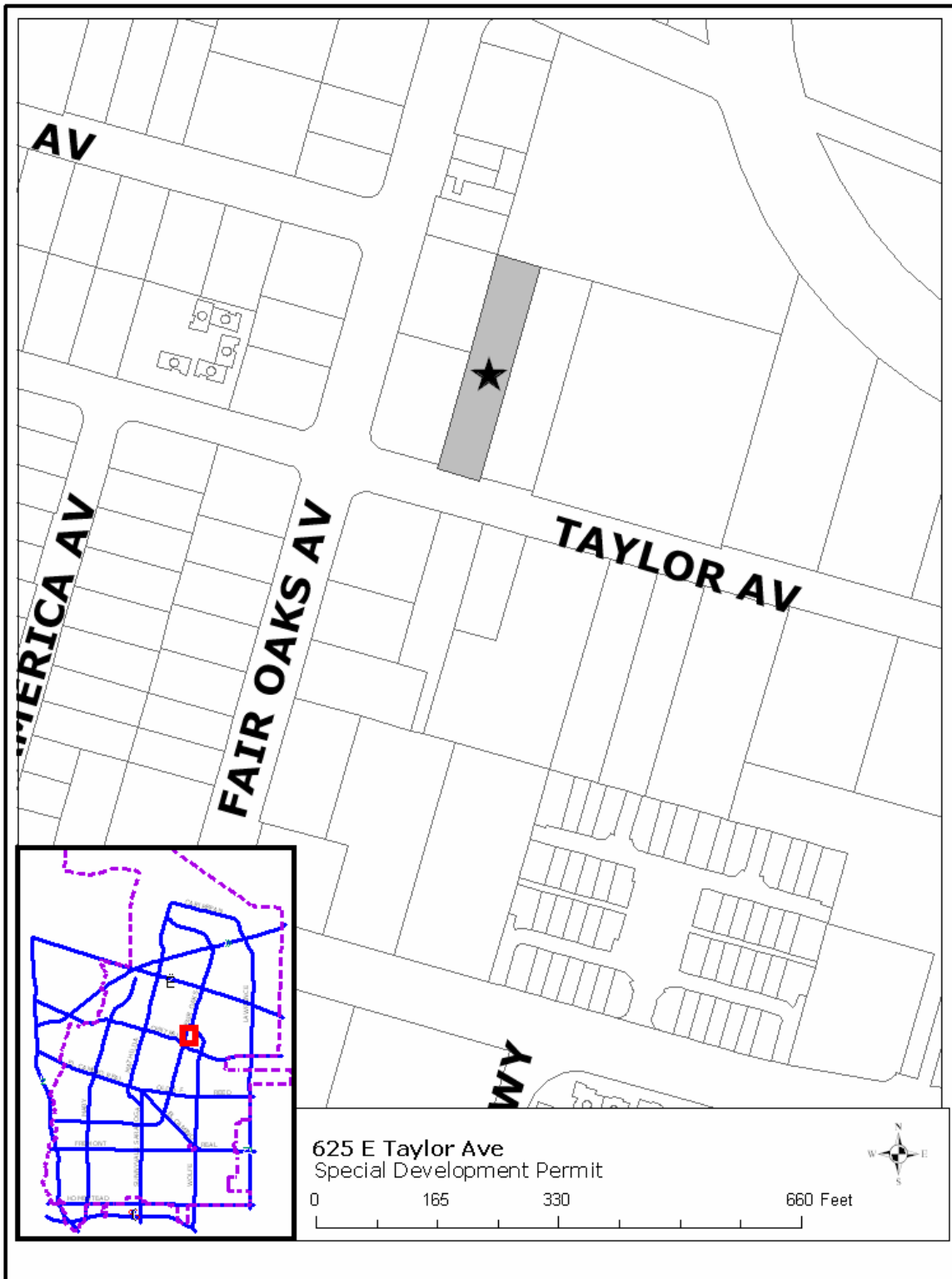
**Surrounding Land Uses**

North	Armory/Public Service Building
South	Industrial
East	Industrial/Office Building
West	Residential (apartments)

**Issues**                               Compatibility of Use

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial to Residential Medium Density	Same	Industrial to Residential Medium Density
<b>Zoning District</b>	M-S/ITR/R-3/PD	Same	M-S/ITR/R-3
<b>Lot Size (s.f.)</b>	18,000	Same	No min.
<b>Gross Floor Area (s.f.)</b>	3,490	Same	No max.
<b>Lot Coverage</b>	19%	Same	45%
<b>No. of Buildings On-Site</b>	3	Same	By permit
<b>Landscaping</b>			
★ <b>• Total Landscaping</b>	1,045	Same	3,600 s.f.
★ <b>• Buffer Adjacent to Residential Use</b>	0-10'	Same	Per previously approved Variance
<b>Parking</b>			
★ <b>• Total Spaces</b>	13	Same	13 min.
★ <b>• Accessible Parking</b>	0	Same	1 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The application is for a Special Development Permit to allow a caretaker's unit in conjunction with an existing business on an industrial site at 625 East Taylor Avenue. The property zoned M-S/R-3/ITR/PD, which allows for the conversion to a medium density residential use. The applicant/owner is not proposing to redevelop the site at this time, but instead, proposes to maintain the site for industrial use in combination with a residential caretaker's unit. The two businesses, "Engineered Concepts" and "The Maids," conduct business from 8-5pm daily. The applicant notes that the business contains expensive specialized machinery and the caretaker's unit would provide valuable security for the site.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
1980-0164	Variance from setbacks for carport	Administrative Hearing / Approved	8/27/80
1975-0385	Variance from side yard setbacks for main building	Planning Commission/ Approved	1/13/75
1975-0197	New Warehouse building	Planning Commission/ Approved	1/13/75
1974-0135	Unenclosed storage for auto repair use	Planning Commission/ Approved	4/30/73

\*\* Additional permits, not noted above, have been issued for the site for similar proposals. In many cases those permits were not exercised or were denied.

The Neighborhood Preservation Division was first notified of an un-permitted residential use on the property in March of 2003. After consultation with the city, the owners of the site inquired about converting the site to a residential use. The application was ultimately not pursued due to significant upgrades that were necessary to come into conformance with City requirements. The applicant has since reapplied for a caretaker's unit that will enable the existing business to be retained. If approved, staff has required as Condition of Approval #1C that the residential use may only be permitted in conjunction with an approved commercial business onsite.

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.



**Special Development Permit**

**Site Layout:** The layout of the site consists of two buildings. The smaller building located at the front is proposed to be utilized as a caretaker's residence. The building behind the caretaker's unit is utilized by two businesses, "Engineered Concepts" and "The Maids." A site plan is located in Attachment C. A carport structure is also located at the northeast corner of the site. A trash container is currently located at the side of the front building on the property (reference "Site Photos" in Attachment E). The Municipal Code requires that trash containers be screened from public view. Condition of Approval #2A requires that the container be located within an enclosed area that is screened from public view.

**Floor Plan:** A floor plan of the caretaker's unit indicates area for two bedrooms, T.V. room, kitchen and bathroom. The larger building behind the proposed caretaker's unit is divided into six tenant spaces. The two businesses, Engineered Concepts" and "The Maids" occupy three spaces each. The front portion of the building is occupied by "The Maids" while the rear portion is occupied by "Engineering Concepts." No interior modifications to the buildings are proposed with this application.

**Parking/Circulation:** Parking areas are located in front, in between, and behind the buildings on-site. In addition to the required parking for the existing businesses, two covered and two uncovered spaces are required for the caretaker's unit.

The engineering business is composed mostly of area used for machinery and a workshop. According to Municipal Code Section 19.46.050, the use would be considered as "General Industrial," therefore; the 1 space per 500 square feet rate applies. A total of 3 spaces would be needed.

"The Maids" tenant space is use primarily as a dispatch office in with additional storage of supplies. This use could be considered as general office; therefore, a 1 space per 225 s.f. rate would apply. A total of 6 (5.75) spaces is required for this use. A chart below indicates the breakdown of parking:

Use	Floor Area	Ratio (space/sq. ft.)	Required Spaces
<i>Engineered Concepts</i> (General Industrial)	1295	1/500 min. 1/250 max.	3
<i>The Maids</i> (Professional Office)	1295	1/225	5.75 (6)
Proposed Caretaker's Unit	900	2 covered and 2 uncovered	4
<b>Total Required</b>	3,490		<b>13</b>
<b>Total Provided</b>			<b>13</b>

The site plan indicates a total of 13 spaces. The applicant has also noted that additional vehicles have parked parallel to the east side of the lot adjacent to the drive aisle. The spaces are not noted on the provided site plan; therefore, staff has not counted this area towards the required parking. Staff may consider this area as additional parking, if a revised plan can be provided that meets dimensional standards and vehicular access for the drive aisle.

A one-car carport/storage structure is located at the northeast corner of the lot. As the proposed use requires two covered spaces (noted above), this structure would need to be enlarged to provide the covered parking. A previous permit also indicates that portions of the main building were also used as a garage. Currently, the buildings are not used for that purpose. Staff is requiring Condition of Approval #3A which requires the applicant to provide a site plan that indicates where two covered parking spaces may be maintained for the proposed caretaker's unit. This review can be considered through a separate Miscellaneous Plan Permit application. A new structure would also require a building permit (Condition of Approval #3A.1).

Although, the site appears to provide the required parking as indicated on the site plan, Condition of Approval #3A.2 requires that parking areas be delineated through re-striping of the lot. A revised site plan shall be reviewed by staff to determine the designated parking for the site. A proposal to use the parallel parking may be considered if adequate fire access is provided, per Condition of Approval #3B. The site is also required to provide one handicap parking space (Condition of Approval #3A.3).

**Landscaping:** The site currently maintains approximately 1,045 square feet of landscaping, which is located at the front and western side, towards the back, of the property. Under Sunnyvale Municipal Code Section 19.38.070, 20% of the site shall be landscaped (3,600 s.f.) As the site is significantly under-landscaped, staff is requiring Condition of Approval #4B & #4C to increase landscaping for the site. The areas currently allocated for landscaping at the

front of the site and behind the buildings along the western boundary are not well maintained and need to be upgraded. As a Condition of Approval (#4A), staff requires that a landscaping plan be submitted for review and approval prior to occupancy. Upgrades to the site shall include a combination of trees and living ground cover. New trees are recommended at the rear of the site to increase shading over the parking areas.

**Compliance with Development Standards/Guidelines:** The site does not meet setback requirements for industrial properties adjacent to residential uses; however, multiple setback variances have been approved over the years for various building additions. Additionally, the site is deficient in landscaping. Conditions of Approval require increases to the landscaping for the site. Conditions also require clarification of designated parking areas for the site and to ensure parking requirements are met.

**Expected Impact on the Surroundings:** As conditioned, the proposed use will not have a significant impact on the surrounding area. Residential uses exist within the neighborhood including various industrial and service uses. Parking and landscaping upgrades to the site as required within the Conditions of Approval. These improvements should significantly enhance the aesthetic value of the property.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>Published in the <i>Sun</i> newspaper</li><li>Posted on the site</li><li>9 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>Posted on the City of Sunnyvale's Website</li><li>Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>Posted on the City's official notice bulletin board</li><li>City of Sunnyvale's Website</li></ul>

## **Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

## **Alternatives**

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1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

## **Recommendation**

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Alternative 1.

Prepared by:  
Ryan M. Kuchenig  
Project Planner

Reviewed by:  
Gerri Caruso  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Floor Plans
- D. Letter from the Applicant
- E. Photos of the site
- F. Aerial Photo

### **Recommended Findings - Special Development Permit**

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Goals and Policies that relate to this project are:

**Land Use and Transportation Element**

*Policy N1.5- Establish and monitor standards for community appearance and property maintenance*

**Land Use and Transportation Element**

*Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. As conditionally approved, the site will provide additional landscaping that will enhance the aesthetics of the site and provide ample parking for each use. As intended by the applicant, the caretaker's residence provides needed security for the current business. In conjunction with a
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties. As conditioned, required improvements should improve the view and value of the property. Residential uses are already located within close proximity to the subject site. The proposed use would occupy an existing building.

### **Recommended Conditions of Approval - Special Development Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval of the Director of Community Development.

#### **1 GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- C. The caretaker's unit shall only be valid in conjunction with an approved business license for the site. The caretaker's use shall not function independently of the uses on-site and shall provide security and maintenance supervision of the property.
- D. Execute a Special Development Permit document prior to issuance of the building permit
- E. Any expansion or modification of the approved use shall be approved by a separate application. If the proposed use can meet S.M.C. parking requirements, a Miscellaneous Plan Permit application shall be required; otherwise, a separate Special Development Permit shall be subject to review and approval at a public hearing.

#### **2. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. Provide a site plan indicating an appropriate location that is fully screened from the public street.
- B. The property shall remain clean and free of debris and garbage.

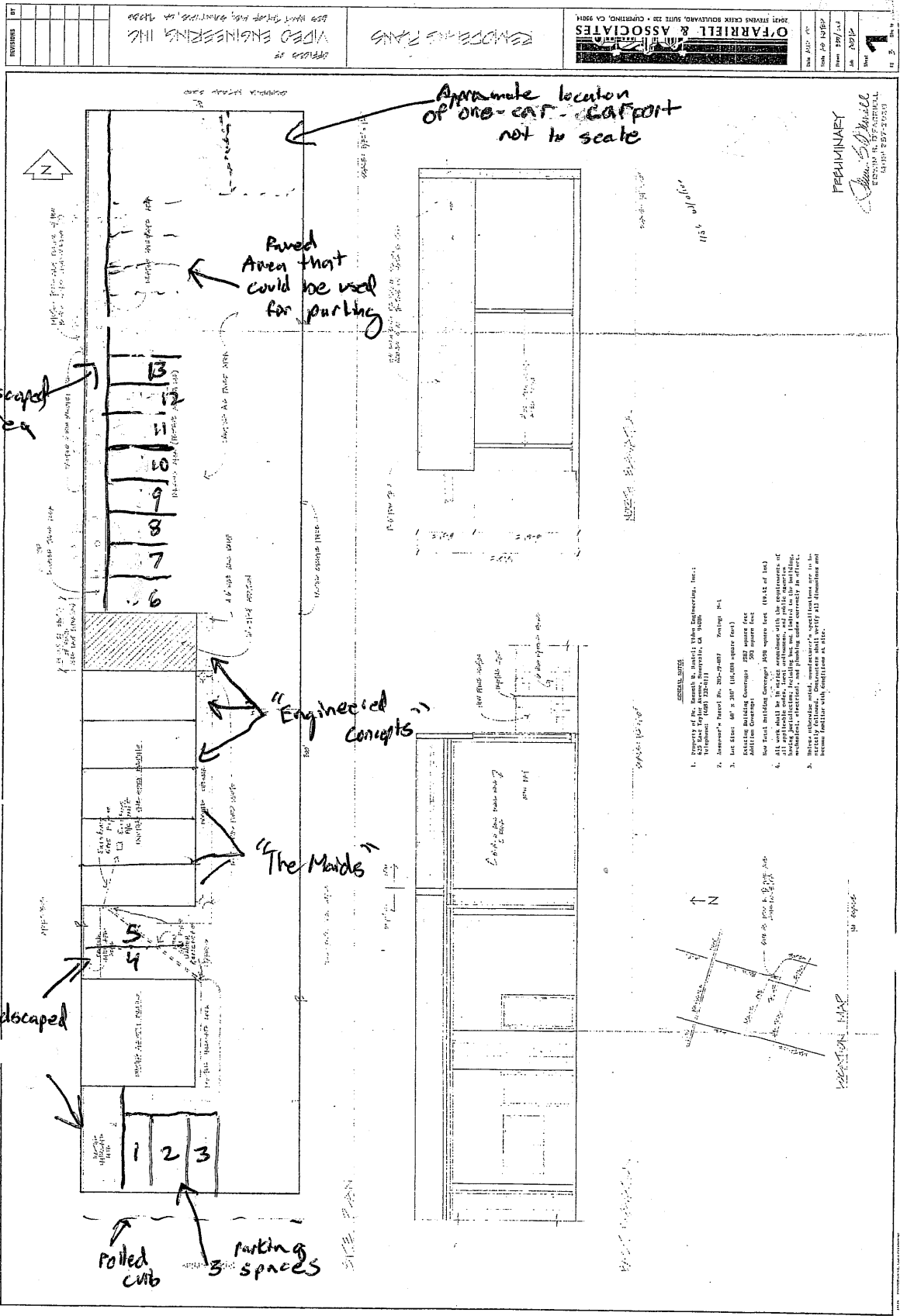
**3. PARKING**

- A. A revised site plan is required for review and approval by staff and shall indicate the following:
  - 1. Provide covered parking for two vehicles. Obtain the necessary Building permits.
  - 2. Areas designated for parking shall be re-striped to meet Municipal Code required dimensions.
  - 3. Designate one handicap parking space for the site.
- B. If proposed, parallel spaces located along the eastern boundary of the site shall be indicated on a revised site plan and are subject to review by staff.

**4. LANDSCAPING**

- A. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Submit a revised site plan that indicates upgrades in the form of additional trees and living ground cover to existing areas designated for landscaping.
- B. The site plan shall indicate additional landscaping dispersed throughout the site to provide increased shading within the parking area.
- C. All areas not required for structures, parking, drive aisles including needed turnaround area shall be landscaped.

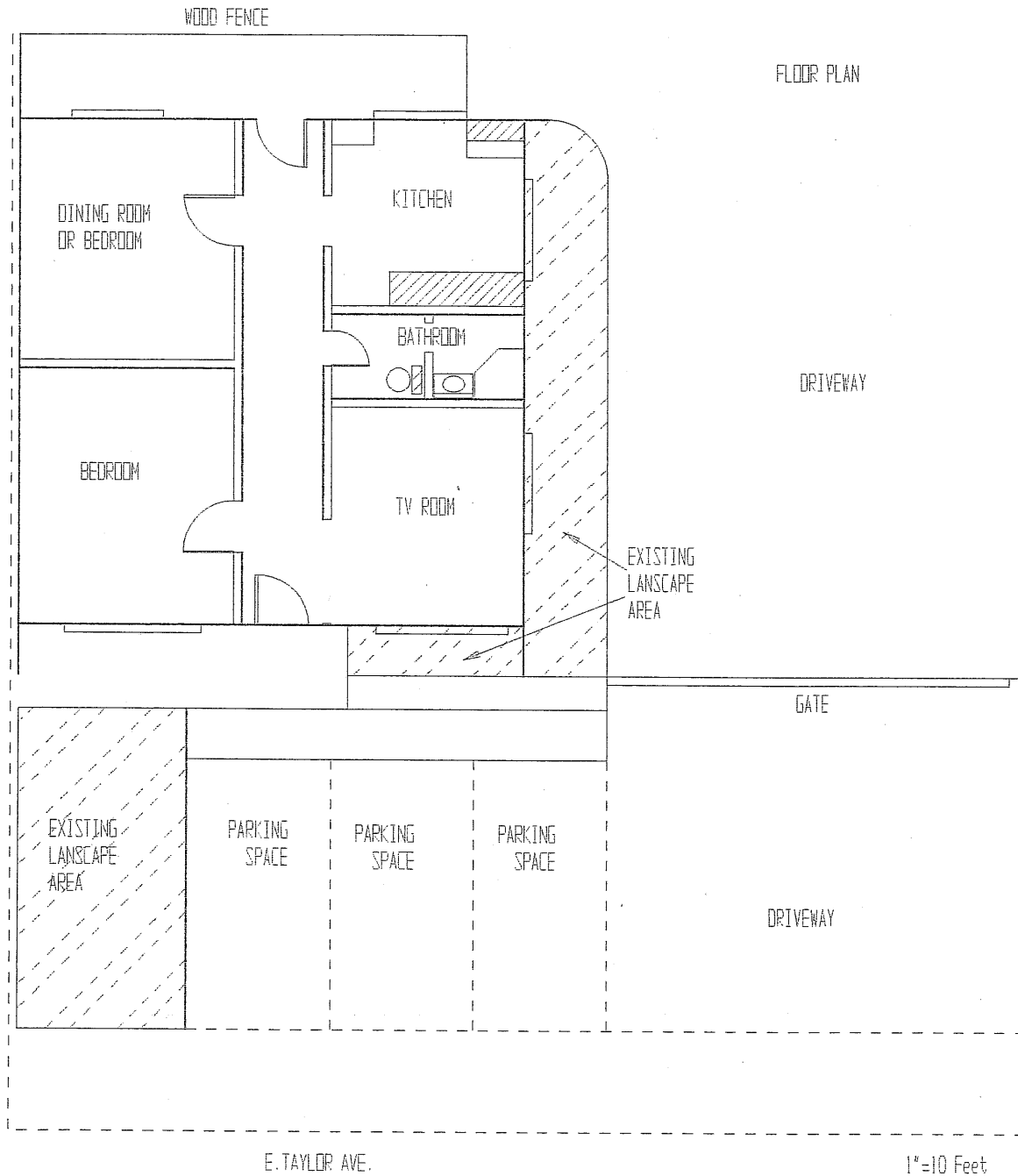
(site plan)



- GENERAL NOTES
1. Property of the County of Santa Clara, California, Parcel No. 005-07-007, 1.00 acre (approx. 100,000 sq. ft.)
  2. Assessor's Parcel No. 005-07-007, 1.00 acre (approx. 100,000 sq. ft.)
  3. Lot Size: 64' x 207' (13,248 square feet)
  4. Building Footprint: 200 square feet
  5. Building Footprint: 200 square feet
  6. All work shall be in accordance with the provisions of all applicable codes, laws, ordinances, and public utilities.
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  9. All work shall be in accordance with the provisions of all applicable codes, laws, ordinances, and public utilities.
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PRELIMINARY  
 [Signature]  
 [Text]





(Floor Plan of caretaker unit)

**Law Offices of Charles T. Kilian**

20410 Town Center Lane, Suite 210 • Cupertino, California 95014 • Telephone (408) 777-3403 / FAX (408) 777-3401

*Charles T. Kilian  
Eileen Murray*

June 29, 2006

Ryan Kuchenig  
City of Sunnyvale  
Planning Division  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Re: Minor permit for property located at 625 E. Taylor Ave., Sunnyvale, CA

Dear Mr. Kuchenig,

This office represents Mike and Marlene Nehez regarding their application for a minor permit to continue the existing use of a portion of their industrial property as residential for an on-site caretaker. The property, located at 625 E. Taylor Avenue (APN 205 29 007) is currently zoned MS with an ITR zone overlay.

As a brief history, Mr. and Mrs. Nehez purchased the property approximately five years ago. At the time of the purchase, the front separate unit was being used as a residence and office. The unit is currently occupied as a residence for the property caretaker. The second building in the rear is used as industrial/commercial.

Next to the subject property on the west (facing Fair Oaks Ave.) is a two story apartment complex. (See map and photo, Site #1.) On the east side is an industrial site with a residence in front. (Map and photo, site #2.) Next to that site is a mobile home park with a residence/office in front. (Map and photo, site #3.) Similar mixed use occurs on down the block and across the street.

Behind the subject property is the Armory, which is used as a homeless shelter for part of the year. The property is separated from the shelter by an open cyclone fence.

Mr. Nehez's business, Engineered Concepts, is located in the back of the property. Due to the very deep (300 ft.) and narrow (60 ft.) configuration of the lot, this area is not visible to neighbors or patrol officers on the street but is fully accessible from the shelter. To be fair, there is no history of vandalism or theft on the property, which may, in part, be due to the nighttime presence of the caretaker. Mr. Nehez believes that the presence of a caretaker on the property at night offers security to the property and his business, which houses several

Ryan Kuchenig  
Re: Engineered Concepts  
June 29, 2006  
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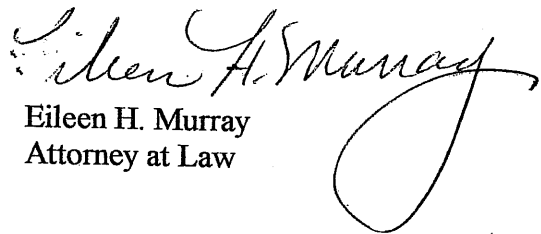
thousand dollars worth of specialized machinery. In addition, the caretaker also provides property maintenance services and security for the other tenants.

The caretaker's residence was remodeled in 2003 with a City issued building permit. An occupancy permit was issued at the completion of the work. The caretaker has resided on the property for over three years. Without the issuance of this permit the caretaker will be forced out of his residence and Mr. Nehez will be without nighttime security for his business.

Issuance of this permit will not create any change of use on the property. The existing uses will continue.

If you have any questions or need further information please call me at my office.

Sincerely,

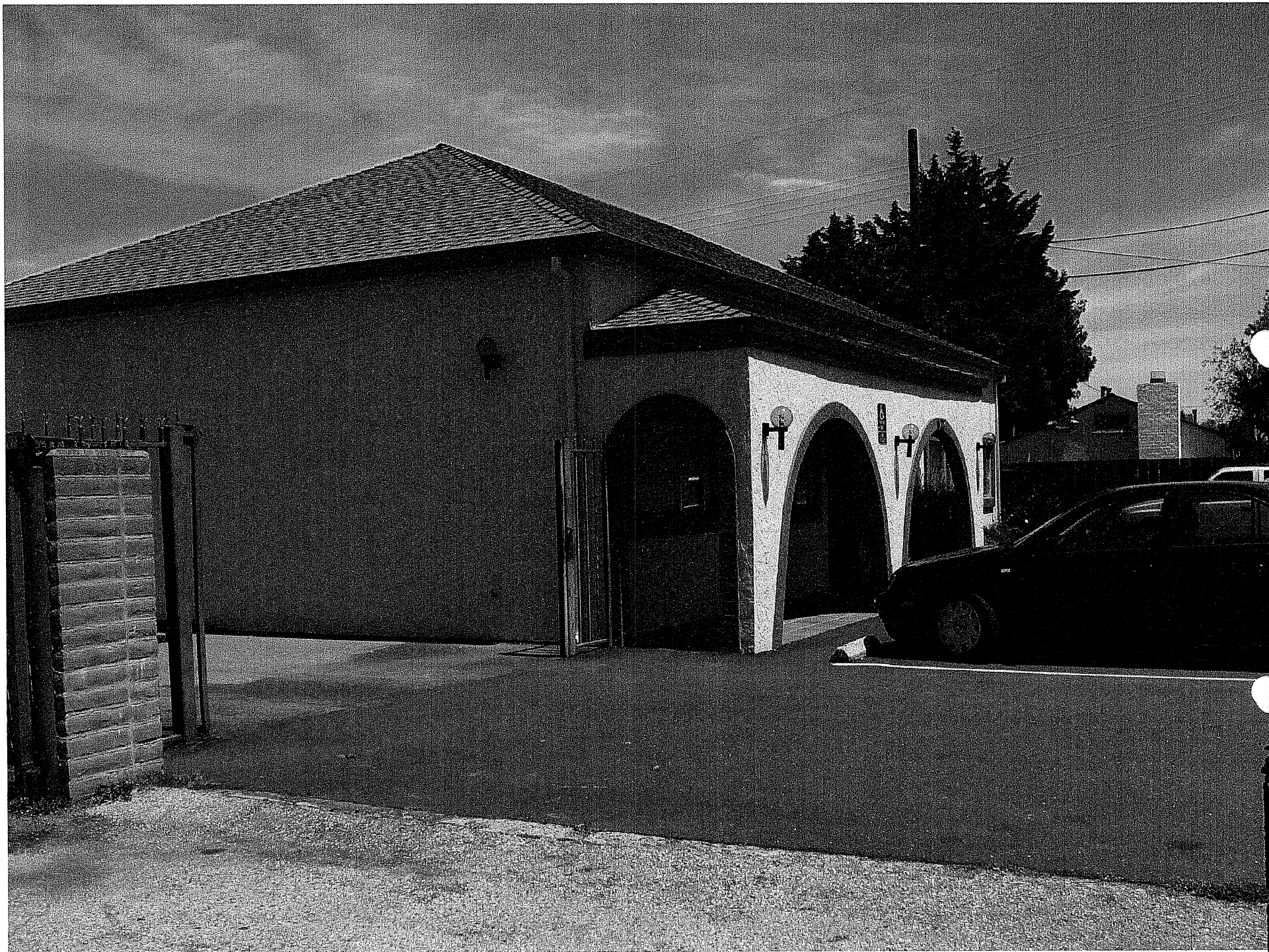


Eileen H. Murray  
Attorney at Law

Cc: Nehez, Engineered Concepts



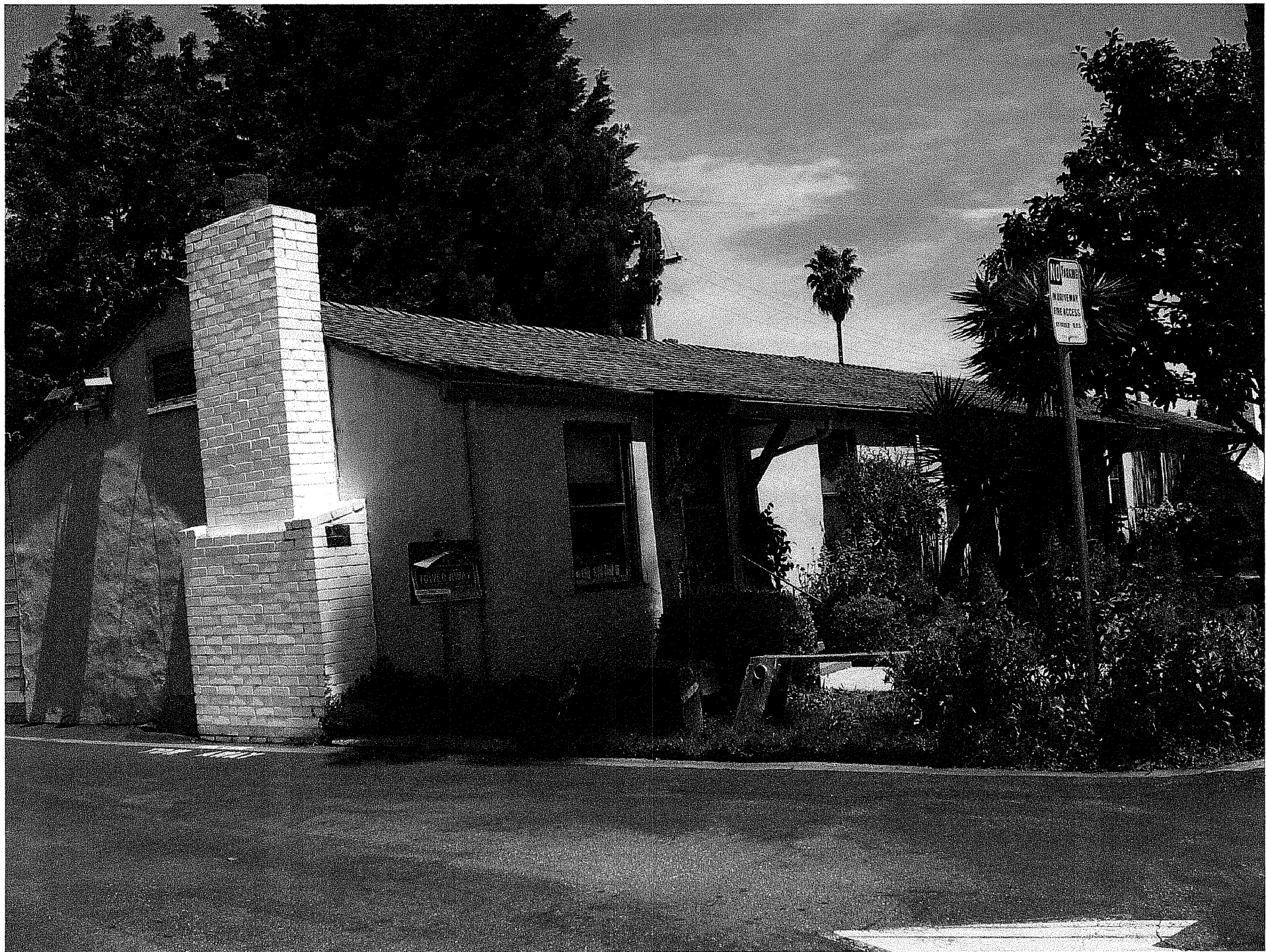




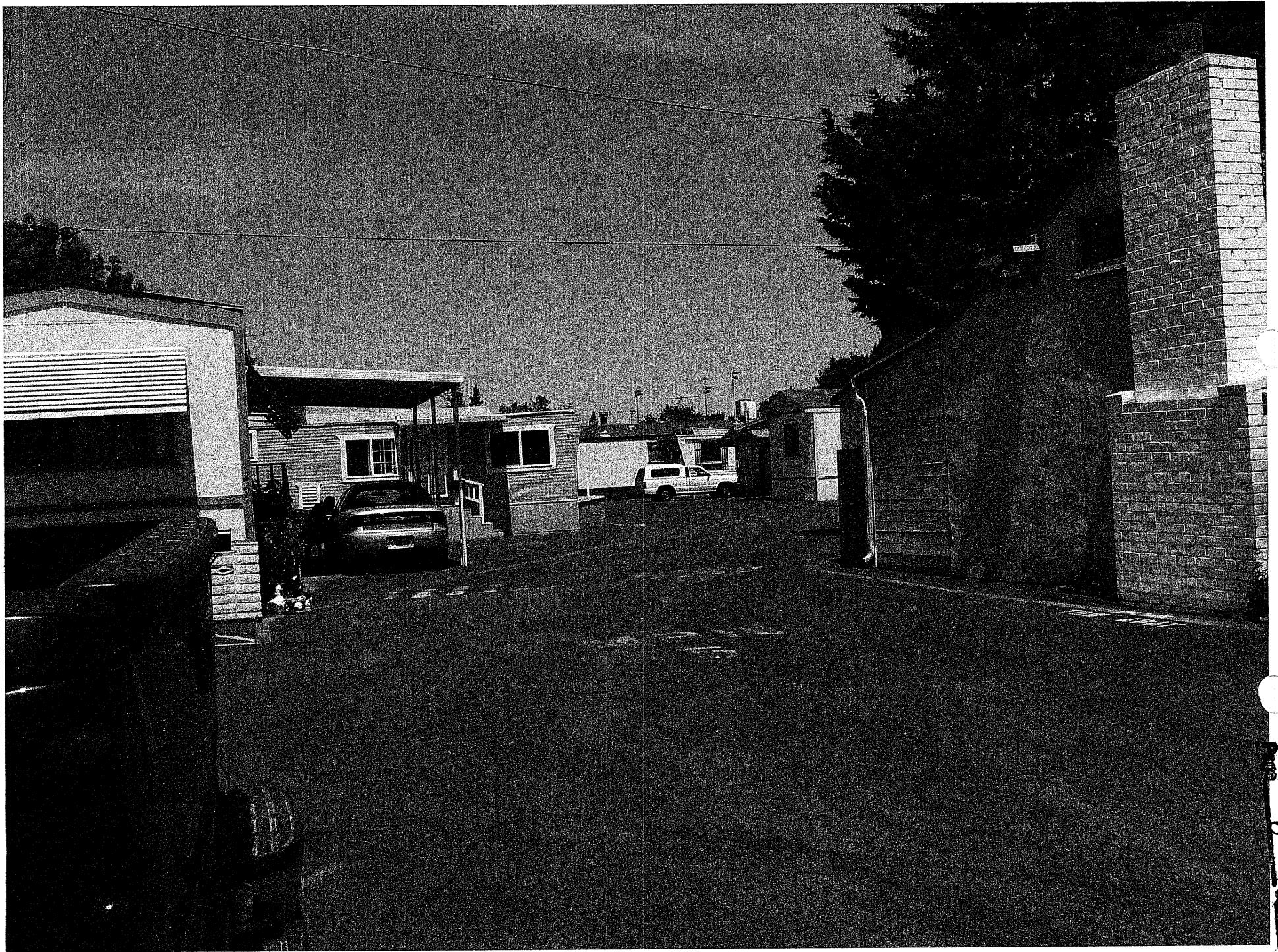
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ATTACHMENT 1  
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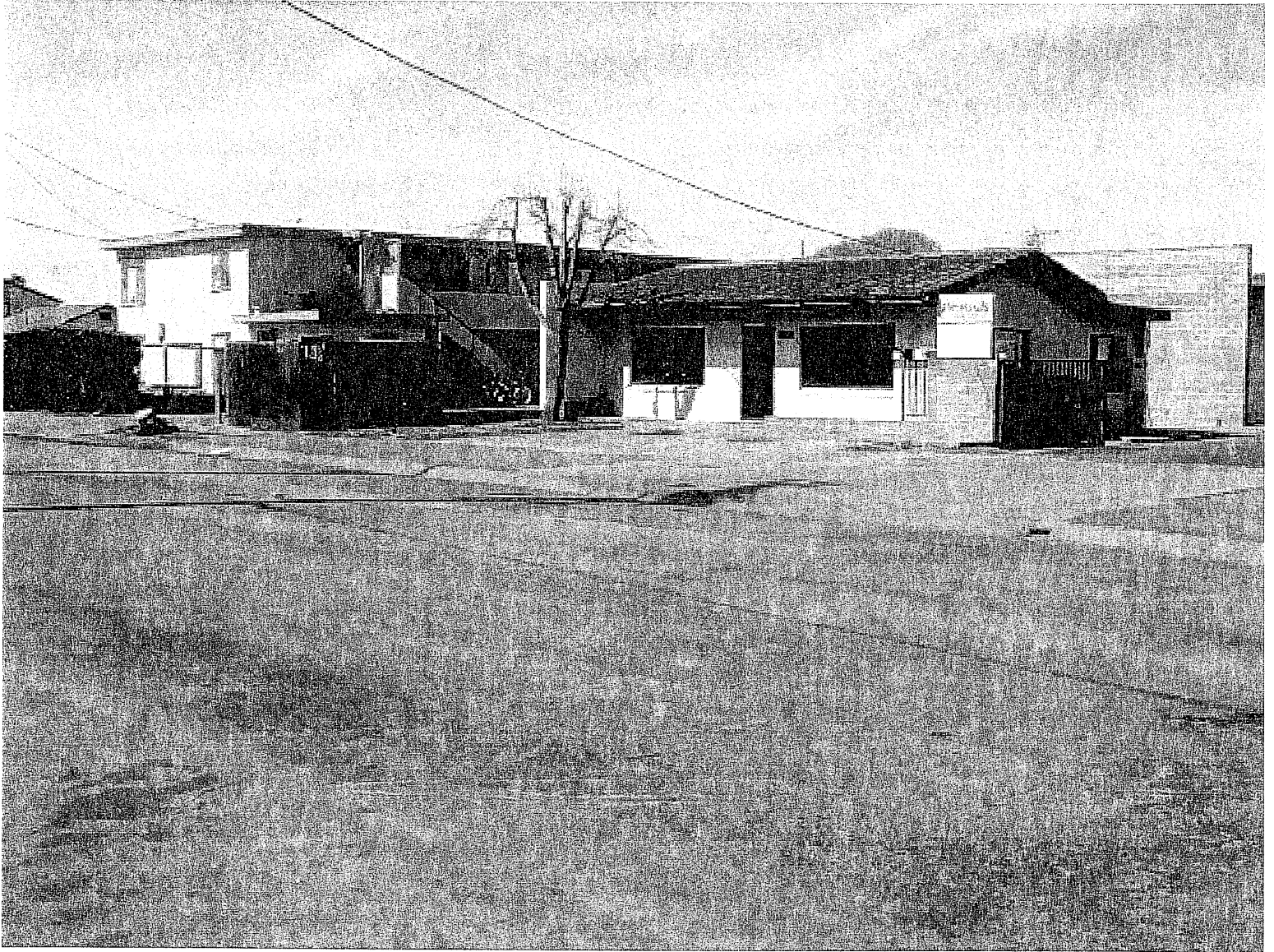
SITE #3



ATTACHMENT 1  
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Site #3





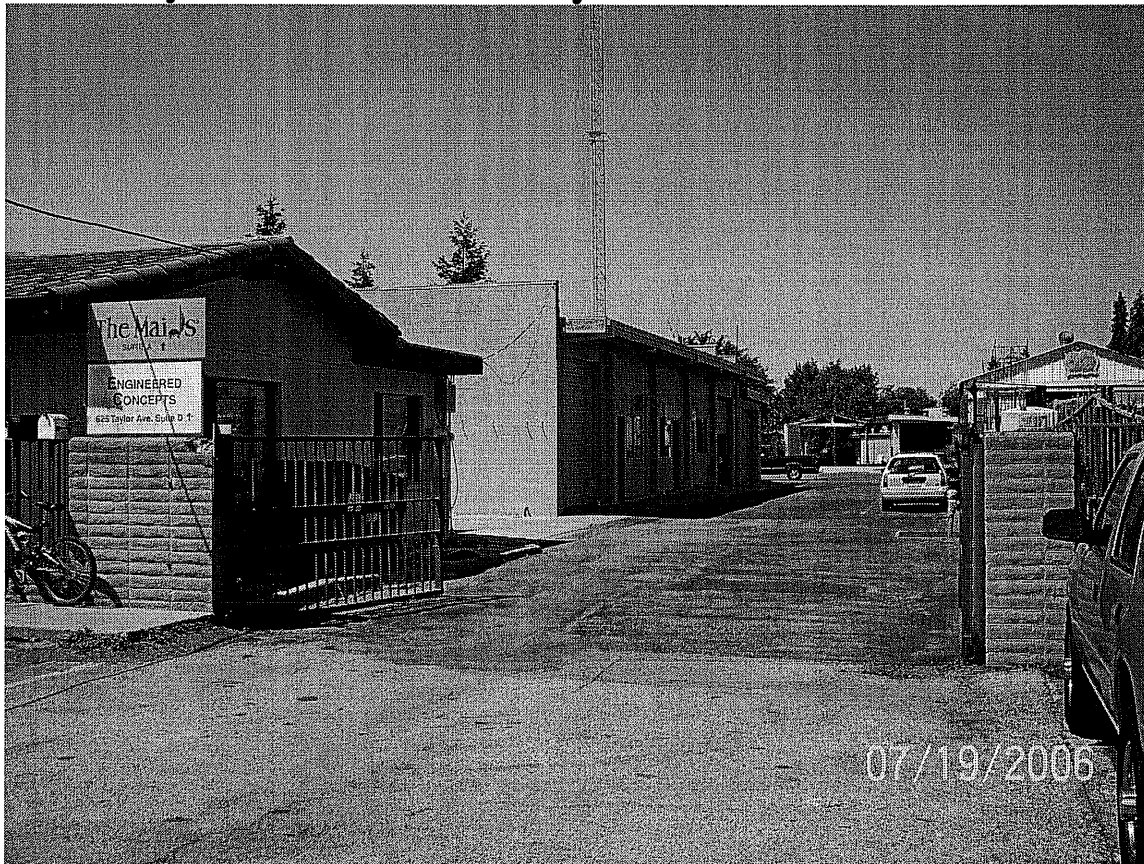
FRONT BUILDING





FRONT BUILDING

**625 E. Taylor – view from driveway entrance**



(Aerial) photo of site

625 E. Taylor Ave.



625 E. Taylor Avenue